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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,653	04/05/2000	Tetsuya Kawamoto	8041.093US0	6925

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EXAMINER

EASTHOM, KARL D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 04/02/2003

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/543,653

Applicant(s)
Kawamoto et al.

Examiner
Karl Easthom

Art Unit
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 25, 2003
- 2a) This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 8, 21, and 23-33 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 8, 21, and 23-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) _____ accepted or b) _____ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) _____ approved b) _____ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) Interview Summary (PTO-413) Paper No(s): |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) Notice of Informal Patent Application (PTO-152) |
| 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s): | 6) Other: |

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 28-29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 28, it is not clear how the lead lines can be "covered" and also have an exposed part. Claim 29 appears to add a redundant element to claim 21 so that it is not clear how the claim is further limiting.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21, 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Grimm et al. Grimm discloses the claimed invention at Fig. 1 with sensing element 12, electrodes 9, cover 3 and lead lines 13 seen partly covered by cover having parts 11, 2 at Fig. 1. The bend is exposed from cover part 2 and to the right in 13 at the top of Fig. 1, and is "approximately" semi-circularly formed where it is a quarter circle and the term "approximately" is one of degree.
5. Claims 1, 21, 26, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Katsuki (JP 3-209704). Katsuki discloses the claimed invention at Fig. 1a with sensing element 11, electrodes 12, and lead lines 13 having externally exposed semicircular kinked parts proximal to the ends bent in the same direction with respect to each other. For example the bottom most bend and the first bend on the top are each bent to the right and downward. In claim 28, one sees the cover 14 extending over parts of the lead lines 13 at the ends, as noted in

the abstract. In claims 26 and 29, there are two collinear portions in Fig. 1b with two of the bends to the right, or to the left.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


7. Claims 6, 23-24, 27, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuki (JP 3-209704), or Grimm et al., as applied to claims above, and further in view of Clem. The noted art discloses the claimed invention except the material of the leads. Clem discloses the material as noted above for lead attachment to a thermistor, and it would have been obvious to employ the well known material for good lead attachment where thermistors are employed.

8. Claims 8, 25, and 33 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuki (JP 3-209704), or Grimm et al., as applied to claims above, and further in view of Wisnia. The claimed invention is disclosed as noted above except for the NTC thermistor. Wisnia discloses thermistors having NTC properties for temperature sensing, and it would have been obvious to employ any of the two only possible types of sensors where Katsuki and Grimm disclose thermistor sensors generically for sensing temperature.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is 703 308-3306. The examiner can normally be reached on M-Th, 5:30AM-4:00PM. If attempts to reach the

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examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 703 308-7619. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-7722 for regular communications and 703 308-7722 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0956.


Karl D Easthom
Primary Examiner
Art Unit 2832

KDE
May 13, 2002